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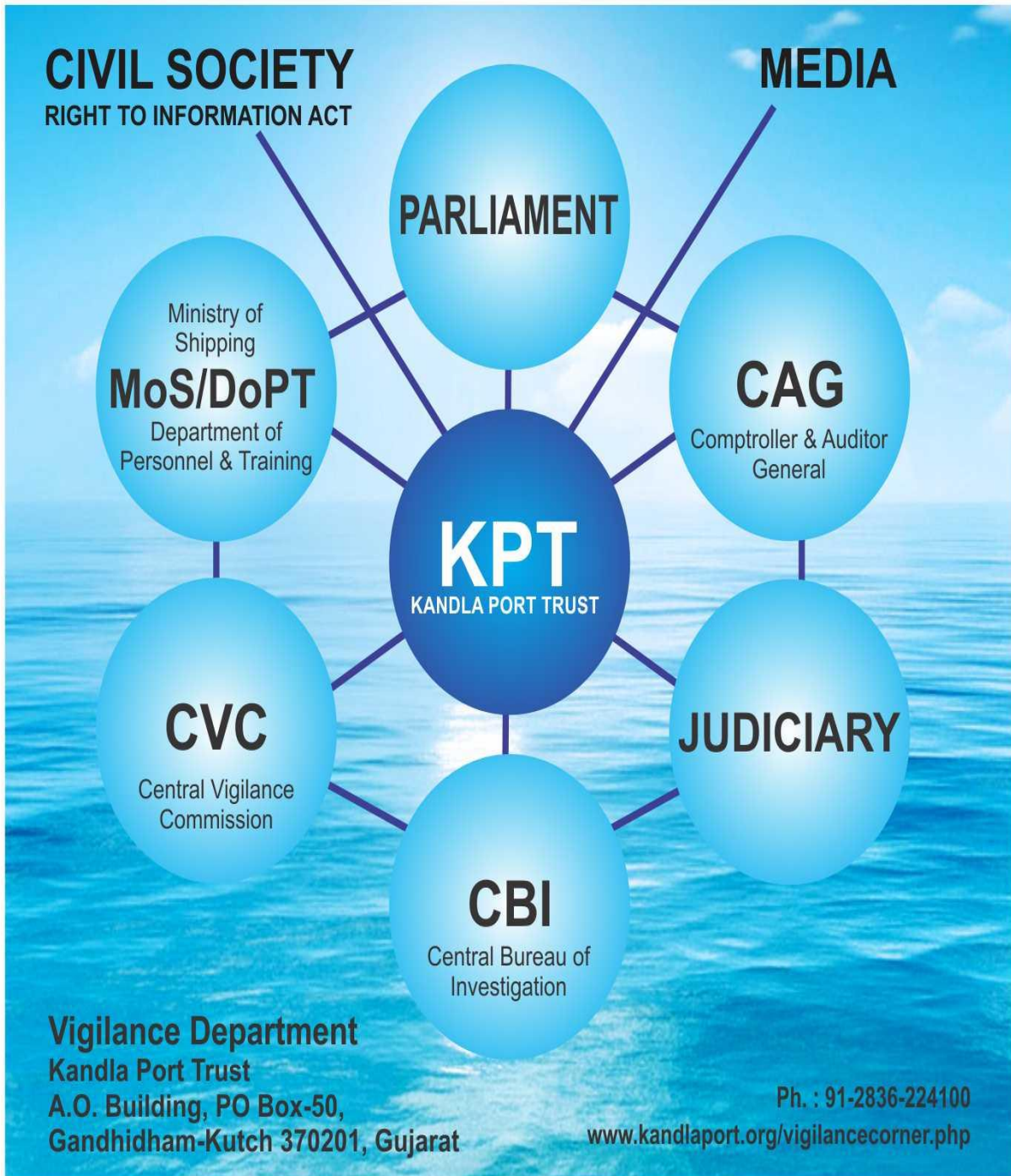
e - VIGILANCE MANUAL

Ver. 1 - 2014

KANDLA PORT TRUST
Vigilance Department

*Adding Value
With Values*

ACCOUNTABILITY NETWORK



प्रदीप कुमार
PRADEEP KUMAR



केन्द्रीय सतर्कता आयुक्त
केन्द्रीय सतर्कता आयोग
Central Vigilance Commissioner
Central Vigilance Commission

March 21, 2014

Message

Better compliance is achieved when there is clear understanding of rules and procedures by all employees of the organisation. It is therefore essential to have user-friendly and easily accessible guidelines and manuals. I am glad that the Vigilance Department of Kandla Port Trust is trying to achieve this by bringing out an 'e-Vigilance Manual'. I consider this an important step and wish the officers and employees of Kandla Port Trust all the success.


(Pradeep Kumar)

Satarkta Bhawan, GPO Complex, Block A, INA, New Delhi 110 023

J.M. GARG



सतर्कता आयुक्त
केन्द्रीय सतर्कता आयोग
VIGILANCE COMMISSIONER
CENTRAL VIGILANCE COMMISSION

Message

I am happy to note that the Kandla Port Trust Vigilance Department has taken an initiative to bring out a Guide and Ready Reckoner i.e. "e-Vigilance Manual" for vigilance functionaries. Vigilance administration in every organisation needs to be strengthened by joint efforts of top management as well as vigilance department headed by Chief Vigilance Officer. I do hope that "e-Vigilance Manual" will enable not only the vigilance functionaries but also the respective Disciplinary Authorities and the top management to understand and familiarise themselves thoroughly with CVC guidelines while taking decisions. In every organisation, preventive vigilance has to be given top priority so as to prevent any kind of abuse by the unscrupulous elements among various stake holders. Good governance will also promote this concept and once it is accepted that vigilance is a part and parcel of management functions, there is bound to be more efficiency, transparency and sense of accountability in the organisation. I wish you all the best on this occasion of releasing e-Vigilance Manual.


(JM Garg)
Vigilance Commissioner
13-3-2014

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RAJIV



सतर्कता आयुक्त
केन्द्रीय सतर्कता आयोग
VIGILANCE COMMISSIONER
CENTRAL VIGILANCE COMMISSION



MESSAGE

I am happy to know that Kandla Port Trust has prepared a user friendly guide and ready reckoner named "e-Vigilance Manual" for vigilance functionaries for their day to day functioning. Since this manual has been prepared based on the CVC's Vigilance Manual and consists of guidelines issued from time to time in Kandla Port Trust and user-friendly downloadable formats for ready use, it will be very useful for the vigilance officials to deal with Vigilance matters with promptitude and improve their vigilance administration.

I congratulate the CVO & the team of dedicated officials of the Kandla Port Trust for taking the initiative to bring out this "e-Vigilance Manual" of KPT. I hope their efforts will continue to bring about greater vigilance awareness all around and build capacities for a corruption free society.

Rajiv
(RAJIV)
103

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कपिल देव त्रिपाठी
K.D. TRIPATHI



सचिव
केन्द्रीय सतर्कता आयोग
SECRETARY
CENTRAL VIGILANCE COMMISSION

MESSAGE

I am happy to know that Kandla Port Trust is releasing the e-Vigilance Manual incorporating various guidelines relevant to vigilance management.

Publications like Vigilance Manual help the staff in creating awareness regarding various guidelines issued by the Commission and other concerned agencies from time to time. I hope that employees of Kandla Port Trust would immensely benefit from the e-Vigilance Manual.

My best wishes to Kandla Port Trust for bringing out the e-Vigilance Manual.

K. D. Tripathi
(K D Tripathi) 12.3.2014

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कंडला पोर्ट ट्रस्ट
KANDLA PORT TRUST

रवि परमार, भा. प्र. से.
अध्यक्ष

RAVI PARMAR, I.A.S.
CHAIRMAN



ISO 9001 : 2008 PORT
ISO 14001 : 2004



MESSAGE

Current wisdom emphasizes the importance of organisations like Kandla Port Trust, functioning as self-reliant and profitable enterprises, building their competitive strength so as to boldly meet the challenges posed by the Private Sector in the changing economic scenario. This demands certain changes in the functioning and attitude of everyone in the organisation. KPT being the pioneer in the Port Sector needs to invigorate the transparency and accountability system, which will not only enable to enhance its profitability and reputation, but also carry out its social responsibilities.

In this context, Vigilance as a support system plays an important role in the growth of KPT by helping the employees and management in attainment of ethical and cordial principles.

I am happy to note that the Vigilance Department is releasing the "e-Vigilance Manual Ver.1" to coincide with the Golden Jubilee Celebrations of the Central Vigilance Commission in 2014. I am sure the "e-Vigilance Manual Ver.1" will be highly useful not only to the Vigilance personnel but also to all officials in the organisation.

I appreciate the good work of Chief Vigilance Officer and his team in bringing out this useful and timely e-document, which will go a long way in ensuring better Vigilance Administration in KPT, as envisaged by the Central Vigilance Commission.

I wish all the best at this important occasion.

Place: Gandhidham

Date: 14.03.2014


(Ravi Parmar, IAS)
Chairman
Kandla Port Trust

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From CVO's Desk



In the current scenario of emerging economy, competition is one of the challenges for the organizations to sustain the growth and also remain at top at the same time. Kandla Port being a government run port, there is a greater responsibility rests on its shoulder to ensure accountability, fairness and transparency in all its operations. The standards and norms set by the Government of India and various watchdog agencies like Central Vigilance Commission (CVC), Comptroller and Auditor General of India (CAG) and Central Bureau of Investigation (CBI) and so on are precisely meant to achieve this objective of good governance through transparency and public accountability. Nevertheless, these norms should not be viewed as the stumbling blocks in the race against competition. In such a scenario, the Vigilance Department plays a crucial role in supporting the organization in strengthening its accountability framework or in other words better Vigilance Administration. However, effective Vigilance function lies in its Preventive Vigilance measures and equipping the personnel with knowledge, skill and competence. The Vigilance Department has, therefore, systematically been focusing on Vigilance awareness through training programmes, interactive sessions and also recommending system improvements from time to time.

Practices that are being used by an organization in the past may become unreliable and outdated, unless the good practices are converted into implementable policies and procedures. In this process, integrity, transparency and accountability become the building blocks.

Against this backdrop, the Vigilance Manual has been prepared. Through this manual, an attempt has been made to get across to the measures based on which the Vigilance Department of KPT is functioning and put them in a sequel to make it a handy guide and Ready Reckoner not only for the Vigilance personnel but also everyone in the organization.

This Manual will also become a lens through which other departments in KPT as well as the Stakeholders could view the functioning of Vigilance Department. The manual incorporates all the relevant and essential information that not only the Vigilance officials need to know but also anybody else wish to be educated in the functions of Vigilance work. Of course, the Vigilance Manual is no longer a privilege confidential document.

Keeping up with the trend of need of leveraging technology, the Vigilance Department has chosen to publish the Manual in the e-mode and thus it is called “e-Vigilance Manual” and being released in CD form. The same would be available in the Vigilance Portal of KPT website soon after the release. The chapters of the Vigilance Manual have been made user friendly and various formats which are necessary for the functioning of Vigilance Department, are available in a downloadable form for better utilisation.

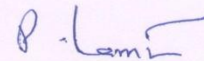
This Manual is released with the team efforts of a tiny bunch of dedicated people who feel strongly that the Vigilance Department of KPT could become a model Vigilance Department not only in the Port Sector but also in the entire Vigilance fraternity. KPT could tap the expertise of Shri G. Suresh, Dy. CVO in bringing out this Manual, particularly in the user friendly e-form. This is for the first time such a Manual has been prepared in KPT and is being released now. Above all, when all the departments were directed to bring out Manuals for their respective departments, it is the Vigilance Department which took the lead and became the first Department to bring out the Manual with the efforts of Shri G. Suresh, Dy. CVO with the core group consisting of Shri A.R. Brahmhatt, Vigilance Officer and Mrs. Priya Nankani, Jr. Clerk. They were supported by the other team members of Vigilance Department, Shri Durga Charan Kudada, PA to CVO, Shri Nemichand Kaler, Vigilance Inspector, Shri P.B. Jadeja, Vigilance Inspector, Shri M.R. Makhijani, Jr. Engineer(Vigilance), Shri Stenly John, Sr. Clerk and Shri Pradipsingh Jadeja, Jr. Clerk in the making of e-Vigilance Manual. Their dedication and involvement in making this Manual are highly appreciable.

The release of the Manual has been made to deliberately coincide with the Golden Jubilee Celebrations of Central Vigilance Commission in 2014, under whose guidance and direction, the Vigilance Administration is being exercised across the nation.

We sincerely hope that this Manual in its new avatar would help the Vigilance officials in their better performance in day to day activities in the time ahead.

Place: Gandhidham

Date: 05-03-2014



(P. Ramjee, IPS)
Chief Vigilance Officer
Kandla Port Trust

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Chapter 1

About Kandla Port Trust.

The history of Kandla Port owes its origin to the year 1930 when the ruler of the then princely state of Kachchh, MaharaoKengarji III wanted a deep draft closed Port in his Kingdom. The Port of Kandla was thus commissioned by His Highness, the Maharao of Kutch, in the year 1931.

Due to the loss of Karachi Port to Pakistan after Independence, the onus of entire Indian trade was shifted to the Port of Mumbai that put a strain on its facilities.

Under the inspirational and able guidance of the great visionary & Iron Man of India, Sardar Patel, the Government of India on 17th February, 1948, constituted an Expert Committee known as the West Coast Major Port Development Committee to explore the possibilities of establishing a deep-sea Port to cater to the vast hinterland. The Committee submitted its report on 30th April 1948 recommending that a Major Port should be sited at Kandla.

Therefore, on January 20, 1952, Pandit Jawaharlal Nehru, the then Prime Minister of India, laid the foundation stone for the new Port on the Western Coast of India. It was declared as a Major Port on April 8, 1955 by Late Shri LalBahadurShastri, the then this Major Port of Kandla has come a long way in becoming the 'Port of the New Millennium'.

KPT Policy

Kandla Port Trust is Committed to Provide Customer satisfaction through Quality, cost-effective, safe and timely services; as well as to prevent and mitigate harmful impacts on the environment and promoting a culture of its preservation and conservation. This Kandla Port Trust achieves through motivated employees, constant up-gradation of the technology, resources and Continual Improvement in Quality Management System, within the applicable Regulatory Requirements. Kandla Port Trust shall ensure that the quality policy and objectives are communicated and understood well within the

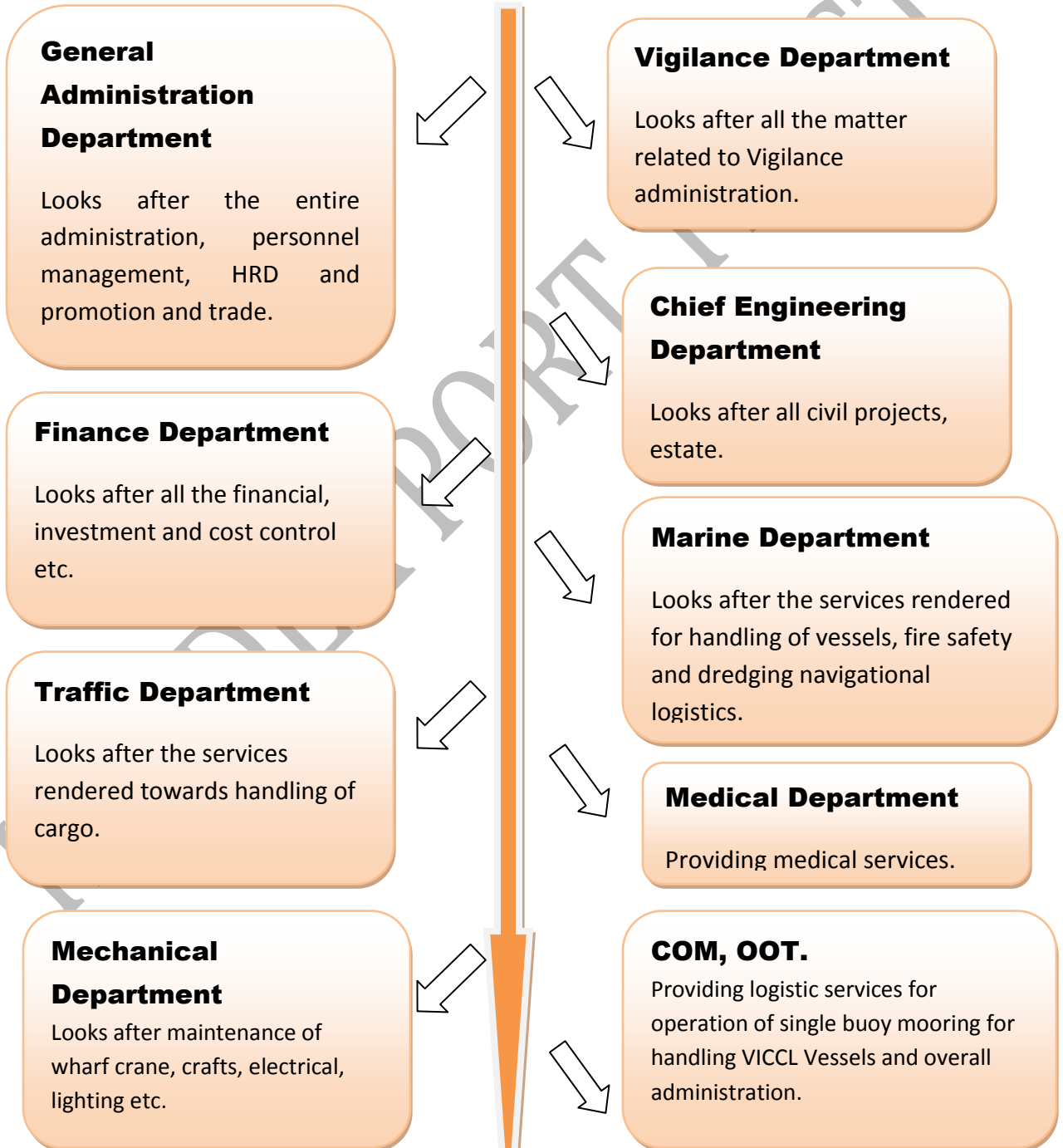
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organization and shall also periodically review the quality objectives as well as the continuing suitability of the quality policy and objectives of the organization.

KANDLA PORT TRUST

Chapter 2

Departments of Kandla Port Trust



Vigilance Department in Kandla Port Trust.**3.1 Vigilance Policy**

To assist the Management of Kandla Port Trust in effective Vigilance Administration and continually strive to achieve overall goal for Productivity, Profitability, Commitment and Quality to render effective and responsive services to the stakeholders. Vigilance Department shall facilitate an environment conducive for employees to work with integrity and transparency in all functions by promoting Fairness, Accountability and Transparency in the Organization.

3.2 Vigilance Set Up:

Vigilance Department is headed by the Chief Vigilance Officer, who is appointed after the approval of the Central Vigilance Commission. The Chief Vigilance Officer acts as the extended hand of the Central Vigilance Commission and forms an important link between Central Vigilance Commission, Central Bureau of Investigation, Ministry of Shipping and Kandla Port Trust. The Chief Vigilance Officer is assisted by a Deputy Chief Vigilance Officer, Vigilance Officer, Vigilance Inspectors and Supporting Staff.

As per Office Order NO: GA/PS/7887/Vig/337 dated: 20.06.2011([Refer Appendix- 1](#)), in pursuance of Para 1.11 of Report of the Pay Revision Committee for Port & Dock Officers – Recommendation on Cadre Restructuring No.A-29018/5/99-PE.I dated 6th February, 2004, the Board Kandla Port Trust has accorded approval to create Vigilance Department in Kandla Port Trust with following sanctioned staff:

<u>Sr. No.</u>	<u>Name of the Post</u>	<u>No. of post</u>	<u>Remarks</u>
1	Chief Vigilance Officer	1	Will be filled on deputation basis by the Govt.
2	Dy. Chief Vigilance Officer	1	Will be filled on deputation basis by Composite Method

2. The present working arrangement is as under:-

<u>Sr. No.</u>	<u>Name of the Post</u>	<u>No. of post</u>	<u>Remarks</u>
1	Vigilance Inspector	2	Already exist (1 from CHD)
2	Jr. Engineer (Civil)	1	Presently provided from C.E Deptt.
3	Jr. Clerk	1	Presently provided from G.A Deptt.

3. The following Ministerial Staff will be drawn from the other departments on loan basis for a period of 3 years on rotation basis for Vigilance Department:-

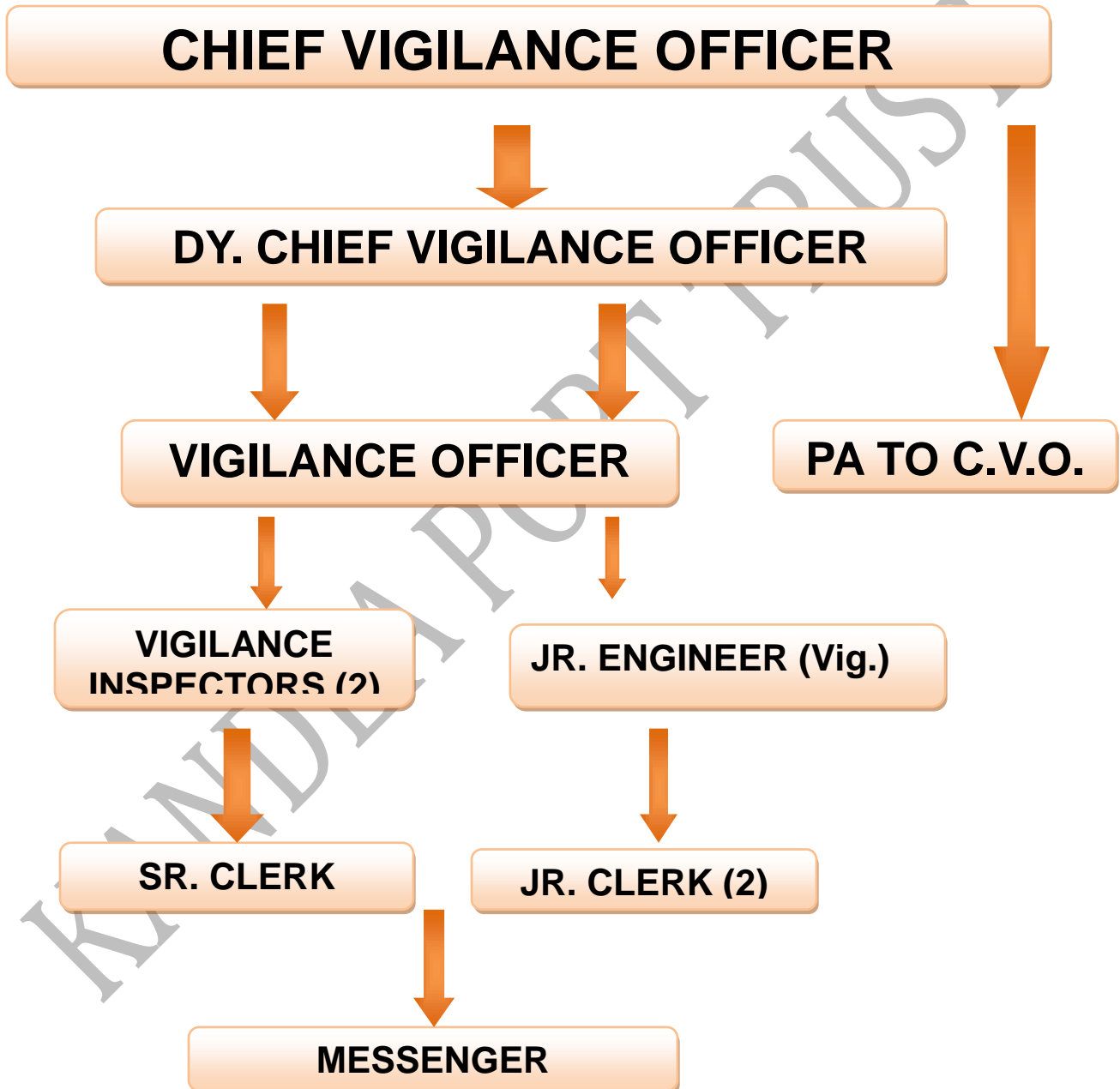
<u>Sr. No.</u>	<u>Name of the Post</u>	<u>No. of post</u>	<u>Remarks</u>
1	Head Clerk	1	The staff will be arranged from other departments of Port on loan basis for a period of 3 years on rotation basis.
2	Stenographer	1	
3	Assistant	1	
4	Sr. Clerk	1	
5	Peon	1	

4. The C.V.O and Dy. C.V.O will exercise the powers conferred on Heads of Department and Divisional Officers respectively, in accordance with the prescribed Rules and Regulations.

Note: Further 2 Posts of Vigilance Officer in Class –II Cadre (Pay Scale 16400-40500)

Have been proposed for creation vide Board Resolution No.71 dated: 09.10.2012.

Vigilance setup on March 2014



3.4 Jurisdiction of Vigilance Department

The Vigilance Department has jurisdiction over the employees of the Kandla Port Trust in relation to the Vigilance activities/affairs of the employees of the Kandla Port Trust Board.

3.5 Annual Confidential Reports of Vigilance Personnel.

Sr. No.	Designation	Reporting Authority	Reviewing Authority	Accepting Authority
1	CVO	Chairman	Secretary, MoS	CVC
2	Dy. CVO	CVO	CVO	Chairman
3	VO	Dy. CVO	CVO	Chairman
4	PA to CVO	Dy. CVO	CVO	CVO
5	Vis	VO	Dy. CVO	CVO
6	J.E (Vig.)	VO	Dy. CVO	CVO
7	Sr./Jr. Clerk	VO	Dy. CVO	CVO

Chapter 4

Role and Function of Chief Vigilance Officer

(CVC Vigilance Manual (New) Chapter 2.12.1)

As per Section 8(g) of CVC Act, 2003, the CVC exercises Superintendence over Vigilance Administration in organizations under its jurisdiction, which includes Kandla Port Trust. CVC exercises such superintendence through the Chief Vigilance Officers who are deputed to organizations after its approval. For this purpose, CVC has defined the Role and Functions of CVO in the Vigilance Manual in Chapter 2.12.1.

4.1 The CVO heads the vigilance Division of the organization concerned and acts as a special assistant/advisor to the chief executive in all matters pertaining to vigilance. He also provides a link between his organization and the Central Vigilance Commission and his organization and the Central Bureau of Investigation. Vigilance functions to be performed by the CVO are of wide sweep and include collecting intelligence about the corrupt practices committed, or likely to be committed by the employees of his organization; investigating or causing an investigation to be made into verifiable allegations reported to him; processing investigation reports for further consideration of the disciplinary authority concerned; referring the matters to the Commission for advice wherever necessary, taking steps to prevent commission of improper practices/misconducts, etc. Thus, the CVOs' functions can broadly be divided into three parts, as under:

- (i) Preventative vigilance
- (ii) Punitive vigilance
- (iii) Surveillance and detection.

4.2 While "surveillance" and "punitive action" for commission of misconduct and other malpractices is certainly important, the 'preventive measure' to be taken by the CVO are comparatively more important as these are likely to reduce the number of vigilance cases considerably. Thus, the role of CVO should be predominantly preventive.

PREVENTIVE VIGILANCE

4.3 Santhanam Committee, while outlining the preventive measures, that should be taken to significantly reduce corruption, had identified four major causes of corruption, viz.

- (i) Administrative delays;
- (ii) Government taking upon themselves more than what they can manage by way of regulatory functions;
- (iii) scope for personal discretion in the exercise of powers vested in different categories of government servants; and
- (iv) Cumbersome procedures of dealing with various matters which are of importance to citizens in their day to day affairs.

The CVO is thus expected to take following Measures on preventive vigilance side:

- (i) To undertake a study of existing procedure and practices prevailing in his organization with a view to modifying those procedures or practices which provide a scope for corruption, and also to find out the causes of delay, the points at which delay occurs and device suitable steps to minimize delays at different stages;
- (ii) To undertake a review of the regulatory functions with a view to see whether all of them are strictly necessary and whether the manner of discharge of those functions and exercise of powers of control are capable of improvement;
- (iii) To device adequate methods of control over exercise of discretion so as to ensure that discretionary powers are not exercised arbitrarily but in a transparent and fair manner;
- (iv) To educate the citizens about the procedures of dealing with various matters and also to simplify the cumbersome procedures as far as possible.

- (v) To identify the areas in his organization which are prone to corruption and to ensure that the officers of proven integrity only are posted in those areas;
- (vi) To prepare a list of officers of doubtful integrity-The list would include names of those officers who, after inquiry or during the course of inquiry, have been found to be lacking in integrity, such as
 - (a) Officer convicted in a Court of Law on the charge of lack of integrity or for an offence involving Moral turpitude but who has not been imposed a penalty of dismissal, removal or compulsory retirement in view of exceptional circumstances;
 - (b) Awarded departmentally a major penalty on charges of lack of integrity or gross dereliction of duty in protecting the interest of government although corrupt motive may not be capable of proof;
 - (c) Against whom proceedings for a major penalty or a court trial is in progress for alleged acts involving lack of integrity or moral turpitude; and
 - (d) Who was prosecuted but acquitted on technical grounds as there remained a reasonable suspicion about his integrity;
- vii) To prepare the “agreed list” in consultation with the CBI- This list will include the names of officers against whose honesty or integrity there are complaints, doubts or suspicions;
- (viii) To ensure that the officers appearing on the list of officers of doubtful integrity and the agreed list are not posted in the identified sensitive/corruption prone areas;
- (ix) To ensure periodical rotations of staff; and
- (x) To ensure that the organization has prepared manuals on important subjects such as purchases, contracts, etc. and that these manuals are updated from time to time and conform to the guidelines issued by the Commission.

4.4 PUNITIVE VIGILANCE

The CVO is expected to scrutinize reports of Parliamentary Committees such as Estimates Committee, Public Accounts Committee and the Committee on public

undertakings; audit reports; proceedings of both Houses of Parliament; and complaints and allegations appearing in the press; and to take appropriate action thereon. Predominantly, the CVO is expected to take following action on the punitive vigilance aspects:

- (i) To receive complaints from all sources and scrutinize them with a view to finding out if the allegations involve a vigilance angle. When in doubt, the CVO may refer the matter to his administrative head;
- (ii) To investigate or cause an investigation to be made into such specific and verifiable allegations as involved a Vigilance Angle;
- (iii) To investigate or cause an investigation to be made into the allegations forwarded to him by the Commission or by the CBI;
- (iv) To process the investigation reports expeditiously for obtaining orders of the competent authorities about further course of action to be taken and also obtaining Commission's advice on the investigation reports where necessary;
- (v) To ensure that the charge sheets to the concerned employees are drafted properly and issued expeditiously;
- (vi) To ensure that there is no delay in appointing the inquiring authorities where necessary;
- (vii) To examine the inquiry officer's report, keeping in view the evidence adduced by the prosecution and the defense during the course of inquiry, and obtaining orders of the competent authority about further course of action to be taken and also obtaining the Commission's second stage advice and UPSC's advice, where necessary;
- (viii) To ensure that the disciplinary authority concerned, issued a speaking order, while imposing a punishment on the delinquent employee. The order to be issued by the disciplinary authority should show that the disciplinary authority had applied its mind and exercised its independent judgment;
- (ix) To ensure that rules with regard to disciplinary proceedings are scrupulously followed at all stages by all concerned as any violation of rules would render the entire proceedings void;
- (x) To ensure that the time limits prescribed for processing the vigilance cases at various stages, as under, are strictly adhered to:

Sr. No.	State of Investigation or inquiry	Time Limit
1	Decision as to whether the complaint involves a vigilance angle	One month from the receipt of the complaint.
2	Decision on complaint, whether to be filed or to be entrusted to CBI Or To sent to the concerned administrative authority for necessary action.	One month from the receipt of the complaint.
3	Conduction investigation and submission of report.	Three months.
4	Department's comments on the CBI reports in cases requiring Commission's Advice.	One month from the date of receipt of CBI report by the disciplinary authority.
5	Referring departmental investigation reports to the Commission for advice.	One month from the date of receipt of investigation report.
6	Reconsideration of the Commission's advice, if required.	One month from the date of receipt of Commission's advice
7	Issue of charge-sheet if required	(i) one month from the date of receipt of Commission's advice. (ii) Two months from the date of receipt of investigation report.
8	Time for submission of defense statement.	Ordinarily ten days or as specified in CDA Rules.
9	Consideration of defense statement.	15(fifteen) days.

		<u>HOME</u>
10	Issue of final orders in minor penalty cases.	Two months from the receipt of defense statement.
11	Appointment of IO/PO in major penalty cases.	Immediately after receipt of defense statement
12	Conducting departmental inquiry and submission of report.	Six months from the date of appointment of IO/PO
13	Sending a copy of the IO's report to the CO for his representation	(i) Within 15 days of receipt of IO's report if any of the Articles of charge has been held as proved (ii) 15 days if all charges held as not proved- reason for disagreement with IO's findings to be communicated
14	Consideration of CO, s representation and forwarding IO, s report to the Commission for second stage advice.	One month from the date of representation
15	Issuance of orders on the Inquiry report.	(i) One month from the date of Commission's advice (ii) Two months from the date of receipt of IO's report if Commission's advice is not required

- 4.5 Although the discretion to place a public servant under suspension, when a disciplinary proceedings is either pending or contemplated against him, is that of the disciplinary authority, the CVO is expected to assist the disciplinary authority

in proper exercise of this discretion. The CVO should also ensure that all cases in which the officers concerned have been under suspension are reviewed within a period of 90 days with a view to see if the suspension order could be revoked or if there was a case for increasing or decreasing the subsistence allowance.

Accordingly, the jurisdiction over the officials/employees drawing salary of Rs. 8700/- per month and above on Central Government D.A pattern as on the date of notification and as may be revised from time to time.

In this regard as decided by the CVC, in accordance with the Section 8 (2) (b) of the CVC Act 2003 (DOPT's Order) a Gazette Notification No. 1109 published on 13, September 2007 in the Gazette of India ([Refer Appendix -2](#)) may be referred.

The level specified in the above Gazette Notification may be kept in view while forwarding the case to the Commission for seeking its 1st Stage and 2nd Stage advice from the CVC.

- 4.6 The Commission's advice in respect of category 'An' officials is to be obtained at two stages ;([Please refer 5.2.4 of this Manual](#)). The CVO to ensure that the cases receive due consideration of the appropriate disciplinary authority before these are referred to the Commission and its tentative recommendation is indicated in the references made to the Commission. The references to the Commission should be in the form of a self-contained note along with supporting documents, viz the complaint, investigation report, statement/version of the concerned employee(s) on the allegations established against them and the Comments of the administrative authorities thereon in first stage advice cases; and copy of the charge-sheet, statement of defense submitted by the concerned employee, the report of the inquiring authority along with connected records and the tentative views/findings of the disciplinary authority on each article of charge in second stage advice cases. The CVO may also ensure that the bio-data of the concerned officers is also furnished to the Commission in the prescribed format, while seeking its advice. The cases requiring reconsiderations of the Commission's advice may, however, be sent with the approval of the Chief Executive, or the Head of the Department, as the case may be.

4.7 SURVEILLANCE AND DETECTION

The CVO should conduct regular and surprise inspections in the sensitive areas in order to detect if there have been instances of corrupt or improper practice by the public servants. He should also undertake prompt and adequate scrutiny of property returns and intimations given by the public servants under the conduct rules and proper follow up action where necessary. In addition, he should also gather intelligence from its own sources in whatever manner he deems appropriate about the misconduct/malpractices having been committed or likely to be committed.

CVO should invariably review all pending matters, such as investigation reports, disciplinary cases and other vigilance complaints/cases in the first week of every month and take necessary steps for expediting action on those matters.

4.8 ORGANIZING REVIEW MEETINGS

The CVO would arrange quarterly meetings to be taken by the Chief executive for Reviewing the vigilance work done in the organization.

The CVO would also arrange periodical meetings with the officers of the CBI to discuss matters of mutual interests, particularly those arising from inquiries and investigations.

4.9 SUBMISSION OF REPORTS AND RETURNS

The CVO would also ensure that monthly reports of the work done on vigilance matters is furnished to the Commission by fifth day of the following months.

The CVO would ensure that the Annual Report (AR) of the previous year (Jan. to Dec.) of the work done on vigilance matter is furnished to the Commission by 31st Jan. of the succeeding year.

The CVO would also ensure that quarterly progress reports (QPR) on the civil, electrical, horticulture works in progress and also on procurement of stores are

[HOME](#)

Furnished to the CTEs by 15th day of the month following the quarters ending March, June, September and December.

KANDLA PORT TRUST

Chapter 5

Function and Activities of Vigilance Department

5.1 Preventive Vigilance.

5.1.1 Inspection

a) Surprise check.

Surprise checks are to be carried out as per the orders of CVO, based on information or complaints or investigations. However the periodical /surprise check are to be undertaken by the Vigilance Inspector/Vigilance Officer/Dy. C.V.O with the prior approval of CVO in sensitive areas.

As per CVC guidelines and Vigilance Manual, surprise check/periodical inspections are required to be conducted by vigilance Department in different areas for system improvement. The purpose of inspection is to go through the relevant records/documents being maintained by concerned Department and to pluck the loopholes and suggest improvement in existing system.

For the purpose, all HODs were requested to provide an official for their Department, as and when required by Vigilance Department, to be part of the joint inspection team related to their respective Departments, and extend full co-operation. Accordingly, names of officials have been received from each Department to conduct surprise/periodical inspection of respective Department. As and when inspection is conducted by Vigilance Official, the official of the concerned Department is called for to conduct joint inspection and Inspection Report is submitted to the competent authority duly signed by inspection team.

The names nominated by the HODs will be entered in the Inspection Register and periodically updated.

b) CTE Type Inspection

CVC has been advising the CVOs to carry out inspections on the lines of inspections done by the Chief Technical Examiners of CVC.

5.1.2 Training Programmes.

Training schedules and subjects/topics will be decided with the approval of CVO and are to be referred to G.A Department to arrange the training programme as per the proposal of Vigilance Department.

As a 'Preventive Vigilance' initiative, the Vigilance Department has already come out with three Training Modules, to begin with, namely:

- Module 1. Vigilance Administration
- Module 2. Annual Property Returns
- Module 3. Tenders and Contract Management

Modules (1) & (2) are to be combined and conducted as a one day programme as per the Training Schedule which has been standardized ([ReferAppendix- 3.1](#)) ([3.2](#)). This module has been designed exclusively for the Officers of Kandla Port Trust.

Module (3) is meant for all officials of Kandla Port Trust who are handling Tenders and Contracts and designed as a one day training programme([Refer Appendix-4](#)).

The contents for the three modules have been developed and used in the Training Programmes in the form of a PowerPoint Presentation and the handouts of the same are available ([ReferAppendix-5](#)([Module-1](#)),([Module-2](#)), ([Module-3](#))). This may be suitably modified/improved depending upon the future need.

During the Training Programmes Feedback from the participants will be taken through a Feedback Form as a ([Refer Appendix- 6](#))

5.1.3 System study/System improvement

The Vigilance Personnel should look for every opportunity to improve the system in the Organization. In this direction, various inputs from scrutiny, inspection, investigation etc. a function/areas of any of the department may be taken up for system study ([Refer appendix-7](#)).Such system study report will be submitted CVO and Chairman for further improvement in the existing system/area/procedure.

5.1.4 Agreed List and List of Officers on Doubtful Integrity (Secret List)

One of the measures to combat corruption is to maintain watch on the activities of public servants who are of doubtful integrity. For this, two lists namely 'Agreed List' and list of public servants of Gazetted status of doubtful integrity also known as 'Secret List' are prepared by Vigilance Department annually in accordance with the directives of Department of Personnel and Training and Central Vigilance Commission.

The Secret List is prepared in the light of criteria laid down for the purpose namely

- (a) Officers convicted in a Court of Law on a charge of lack of integrity or for an offence involving moral turpitude but on whom in view of exceptional circumstances, a penalty other than dismissal, removal or compulsory retirement is imposed.
- (b) Officers awarded departmentally a Major Penalty;
 - (i) On charge of lack of integrity or
 - (ii) On charge of gross dereliction of duty in protecting the interests of Government although the corrupt motive may not be capable of proof; or
- (c) Officers against whom proceedings for a Major Penalty or a Court Trial are in progress for alleged acts involving lack of integrity or moral turpitude; or
- (d) Officers who are prosecuted but acquitted on technical grounds, and in whose case, on the basis of evidence during the trial, there remained a reasonable suspicion against their integrity.

Exceptions:

The following will be excluded for this purpose:

- (a) Officers who have been cleared or honorably acquitted as a result of disciplinary proceedings or court trial.
- (b) Officers against whom an enquiry or investigation has not brought forth sufficient evidence for recommending even a disciplinary case.
- (c) Officers who have been convicted for offences not involving lack of integrity or moral turpitude.
- (d) Officers against whom disciplinary proceedings have been completed or are in progress in respect of administrative lapses, minor violation of Conduct Rules and the like.

Names once included in Secret List will not be removed until a period of three years has elapsed. The period of three years, for which the name will be current on the list, will count from the date of punishment in disciplinary proceedings or from the date of conviction in a Court Trial.

Agreed List is prepared annually in consultation with CBI and contains the names of such Officers whose integrity and honesty is under a cloud.

The Agreed List is prepared in consultation with the CBI every year. The Agreed List is meant only for the purpose of intensive vigilance and carrying out preventive checks.

5.1.5 Awareness Programmes

As per the CVC's direction, every year Vigilance Awareness Week has to be observed for the period decided by the CVC. For this purpose various programmes are to be arranged or conducted with the approval of CVO and Chairman. An illustration of different programmes which could be organized is as follows which may be expanded as visualized in future:-

1. Essay Competition for employees and family members.
2. Elocution Competition.

3. Cartoon Completion.
4. Slogan Competition.
5. Street Play/Skit.
6. Display of Banners.

In addition, a Vigilance Sensitization Lecture Series has been started in Kandla Port Trust. The inaugural lecture was delivered by Shri P Shanker, IAS (Retd.), former Vigilance Commissioner on 03.08.2013. A brochure released during this lecture is at [Appendix-8.1](#) , [8.2](#). It is expected that one or two such lectures in a year could be organized by the Vigilance Department, Kandla Port Trust in future.

5.1.6 Sensitive areas

(Refer Circular NO: KPC/4027-Vig./132 dated. 01.03.2014 at [Appendix- 9](#))

As per the directions of Central Vigilance Commission that sensitive posts are to be identified and staff working in such posts are to be rotated strictly after every two/three years to avoid developing vested interests.

In this connection, an exercise was undertaken by the Vigilance Department, in consultation with concerned HODs, to identify the sensitive posts. Based on the input obtained from HODs, the issue was examined vis-à-vis the guidelines of CVC and the following sensitive posts have been identified in KPT with the approval of the competent authority:-

1. Administration Department:

- (a) All the Ministerial posts/staff dealing with recruitment, promotion, transfer of class I, II, III & IV
- (b) Ministerial posts/staff dealing with supervision of salary bills, payment/miscellaneous Bills.

2. Finance Department:

2 Dy CAO, all AOs/AOs/ Ministerial posts/staff including SA/DA dealing with Cash, CDC, Works Audit, Pension, HBA, Fund, Form-48, inspection and cost sections, EDP-Sr DD/DD.

3. Marine Department

The Ministerial posts/staff such as SA/DA/ Asstt./Sr. Clerk dealing with supervision/ monitor various works/contractors Bills/ Tenders, preparing Tenders, issue of license to Private parties for removal of garbage, Issue of Harbour Craft License to Private parties, Assessment & collection of marine dues/final bills against services, Issue of NOC to Ships.

4. Engineering Department

All the post of Superintending Engineers, Executive Engineers, Asstt. Executive Engineers, Asstt. Engineers & associated Officials, Junior Engineers and the Ministerial Posts/staff processing tenders/bills for payment.

5. Traffic Department

Sr. ATM & all ATM, Traffic Inspectors, Shed Masters, Supervisors, TOC,AOC dealing with activities like commercial, warehouse, operation, rented plots, trade license, refund, Auction and officials are being rotated on quarterly, six monthly and yearly basis. SA working on same post from July 2010 being single post.

3. Mechanical & Electrical Engineering Department

The post of 2 SE(M/E),Executive Engineers, Asstt. Executive Engineers, Asstt. Engineers, Marine Engineers and Ministerial staff attending the work of tenders and processing the bills for payment.

4. Medical Department

Medical Officer (Stores) dealing with works related to stores. Sr. Pharmacist cum-store Keeper/2 Ministerial staff dealing with medical stores, accounts/Bills, passing medical bills of referral hospitals .

5. Off Shore Oil Terminal

2 Executive Engineers dealing with tenders, issuance of worker orders, procurement of water, repairs/maintenance of crafts, procurement of items/stores, 1 Marine Engineer (single post) dealing with repairs and maintenance of tugs/providing diesel, other staff/posts like

Pharmacist(lone post)- dealing with acquisition and supply of medicines, Signalman- shipping matters Shed master- traffic related activities, 4 Clerks- dealing with works, procurement/preparation of bills, shipping bills, contractors bills, 2 AFS- dealing with shipping activities/agents.

5.2 Punitive Vigilance.

5.2.1 Vigilance Angle

The act/omission /behavior/affair of any Board employee having the Vigilance Angle (as per CVC's Office Order No. 23/04/04 dated. 13.04.2004 at [Appendix-10](#)) should be considered for assessment of such act/omission/behavior/affair and complaint to be dealt by the Vigilance Department.

Vigilance angle is obvious in the following acts:-

- (i) Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.
- (ii) Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or likely to have official dealings or his subordinates have official dealings or where he can exert influence.
- (iii) Obtaining for himself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.
- (iv) Possession of assets disproportionate to his known sources of income.
- (v) Cases of misappropriation, forgery or cheating or other similar criminal offences.
- (vi) Any undue/unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to the presence of vigilance angle in a case.

5.2.2 Complaints.

Information about corruption, malpractice or misconduct on the part of public servants may flow to the administrative authority/the CVC/the CBI/the police authorities from any of the following sources:

- (a) Complaints received from employees of the organization or from the public;
- (b) Departmental inspection reports and stock verification surveys;
- (c) Scrutiny of annual property statements;
- (d) Scrutiny of transactions reported under the Conduct Rules;
- (e) Reports of irregularities in accounts detected in the routine audit of accounts; e.g. tampering with records, over-payments, misappropriation of money or materials etc.;
- (f) Audit reports on Government accounts and on the accounts of public undertakings and other corporate bodies etc.;
- (g) Reports of Parliamentary Committees like the Estimates Committee, Public Accounts Committee and the Committee on Public Undertakings;
- (h) Proceedings of two Houses of Parliament;
- (i) Complaints and allegations appearing in the press etc.;
- (j) Source information, if received verbally from an identifiable source, to be reduced in writing; and
- (k) Intelligence gathered by agencies like CBI, local bodies etc.

In addition, the Chief Vigilance Officer concerned may also devise and adopt such methods, as considered appropriate and fruitful in the context of nature of work handled in the organization, for collecting intelligence about any malpractice and misconduct among the employees.

5.2.3 Complaint Handling Policy

(Refer Circular NO: KPC/4046-Vig./CHO/1033 dated. 29.10.2013 at [Appendix-11](#))

The Vigilance Department of Kandla Port Trust is mandated under the Vigilance Manual of CVC to enquire or cause an enquiry into complaints against officials of Kandla Port Trust wherein allegations of corruption are involved.

Jurisdiction of Vigilance Department, Kandla Port Trust

1. Complaint can be lodged only against officials of Kandla Port. The Vigilance Department has no jurisdiction over private individuals and other organizations of the Central /State Governments.

Lodging of Complaints

Complaints can be lodged by addressing the letter/e-mail directly to the CVO, giving the specific facts of the matter relating to corruption. The complaints can also be lodged directly on the web-site of KPT under Vigilance Corner.

Action taken on complaints

1. Only those complaints which are against officials within the jurisdiction of the Vigilance Department and contain allegations of corruption will be investigated by the Vigilance Department.
2. Once a complaint is registered, further correspondence in the matter will not be entertained. However, the Vigilance Department will ensure that the complaints are investigated and action taken to its logical conclusion.
3. As regards complaints against tenders, it is clarified that the Vigilance Department would not interfere in the tendering process as such. The intention is not to stop the work in the organization.
4. As Vigilance Department deals with matter of corruption, re-dressal of grievances should not be the focus of complaints to the Vigilance Department.
5. Complaints must contain factual details, verifiable facts and related matters. They should not be vague or contain sweeping general allegations.

6. Complaint should be addressed to the CVO. Complaints should not be marked as a copy to the CVO/Vigilance Department.
7. As per CVC instructions, the Vigilance Department does not entertain anonymous/pseudonymous complaints. However, Central Vigilance Commission's prior permission needs to be taken to investigate such complaint.
8. Complaints which do not meet the above criteria will either be filed or will be referred to the concerned authorities for necessary action.
9. ***Handling of complaints received from MPs and other VVIPs:***
All the complaints received through MPs & former MPs, will be immediately acknowledged by Vigilance-KPT. Such complaints will be processed on priority.
10. ***Complaints received over phone:***
All complainants making complaints on phone are advised to send their complaints in writing with complete details. Only exceptional cases of Very serious and urgent nature will be noted down in the form of a brief note together with name and address and telephone numbers of the complainant and would be further processed. Complainants not giving their identity may be treated as anonymous.
11. ***Handling of complaints received by E-mail:***
Complaints made through e-mail should contain complete postal address. Such complaints will be dealt as a normal complaint on print of its hard copy by a designated person on a daily basis.
12. ***Complaint receipt and registration:***
All the complaints received by the Chief Vigilance Officer are diarised in the Vigilance Department and examined to determine whether they need to be pursued. In case, the complaint is registered for investigation, it will be given a Inward Registration Number in the Complaint Register.

13. **Initial assessment of complaints:**

All the complaints on receipt are analyzed and sorted as per the following procedure:

- a) The complaints are filed if the same are not having Vigilance Angle and vague or do not contain verifiable facts, with the approval of CVO.
- b) If the complaint is anonymous or pseudonymous, it will generally be filed after the approval of CVO. A complaint whether pseudonymous or otherwise will be first verified within 15 days of receipt for its veracity. In cases where verifiable facts are provided involving serious allegations on corruption, the complaint will be investigated after the approval of CVC.
- b) Complaint received from CVC under “Public Interest Disclosure & Protection of Informer” will be dealt with as prescribed in time bound manner. (Detailed procedure to be followed under PIDPI category are given in Para No. 17)

14. **Auditing of Complaint handling process:**

CVO will once in a year audit complaint-handling process.

15. **Review of complaint handling process:**

The status of pending complaints / action taken on complaints will be reviewed by the CVO every month.

16. **Complaint tracking**

All registered complaints will be monitored by the CVO through the monthly report, from the date of initial receipt through the entire process, till the complaint is closed or a final decision is taken.

17. **Whistle Blower Complaints (Public Interest Disclosure and Protection of Informer’s Resolution)**

If a complainant while exposing a case of corruption wants his identity to be kept secret, he/she should lodge a complaint under Public Interest Disclosure and Protection of Informers Resolution (PIDPIR) – popularly

known as Whistle Blower Provision. Commission is mandated not only to maintain the secrecy of the complainant's identity but also provide protection to the complainant against any physical threat, harassment or victimization.

Procedure of lodging complaint under PIDPIR

1. Complaints under "Public Interest Disclosure and Protection of Informer" Resolution can be made only by post. The envelope should be super scribed "PIDPI" or "Whistle Blower". The complainant should refrain from giving his name on the body of the letter. The personal details should be separately given or given at the top or end of the letter so that they can be easily blocked out.
2. If any person is victimized due to the fact he had filed a complaint under the Whistle Blower provisions, he may file an application before the Commission seeking redressal in the matter. Commission would then intervene suitably to protect the complainant.
3. The complainant can use the complaint number provided by the Commission to see the status of action on complaints which have been forwarded to the authorities concerned for investigation and report by clicking on the "Complaint Status" displayed on the Commission's website - www.cvc.nic.in.

5.2.4 Inquiry/Investigation

a. Preliminary Enquiry

- The complaint having Vigilance Angle and containing verifiable allegations will be considered for submission for Preliminary Enquiry Report in the Format ([Refer Appendix- 12](#)) by any of the Vigilance Inspector.
- The Preliminary Enquiry Report submitted by the Vigilance Inspectors will be scrutinized at the level of Vigilance Officer and Dy. C.V.O and to assist the CVO to decide either to close the complaint or for detailed enquiry/investigation report or for any other action.
- Such complaints wherein CVO decides to undertake the detailed enquiry/investigation will be recorded in the CVO-1 Register.

Detailed Investigation and Report

The complaints recorded in the CVO-1 Register will be undertaken for the detailed Investigation and Report with the approval of CVO. The dealing Vigilance Inspector/Vigilance Officer will submit the Investigation Report in the prescribed format ([Refer Appendix-13](#))

5.2.5 Reference of CVC for 1st and 2nd stage advice.

All cases of Class-I & II Officers of KPT are required to be referred to the CVC for advice.

All composite cases involved in officials of KPT, irrespective of their level Along with Class-I and/or II Officers in the same matter has to be referred to CVC.

The Commission's advice would also be necessary in cases of difference of opinion between the disciplinary authority and the CVO with regard to the action taken against Officials who are not within the jurisdiction of the Commission if these differences cannot be resolved with intervention of Chairman, KPT.

1. Reference to the Commission for first stage advice

As a matter of fact, the Central Vigilance Commission tenders advice at two stages, If upon preliminary investigation, it is found that prima facie there is some substance in the allegations, the CVC is to be consulted as to the future course of action to be taken. The Disciplinary Authority on considering the investigation report decides on the basis of the facts disclosed in the preliminary enquiry, whether the complaint should be dropped or warning/caution administered or regular departmental proceedings launched for minor or major penalty as the case may be. The decision of DA at this juncture is considered to be 'Tentative' and complete records of the case along with 'Tentative Decision' of the DA is required to be referred to CVC for officials within its jurisdiction. The Commission will examine the matter and tender its 'first stage advice' which is considered by the DA before proceeding further.

2. Reference to the Commission for second stage advice

At the second stage, the advice of CVC is again to be sought before finalization of disciplinary proceedings after a copy of the Inquiry Report has been made available to the charged officer(s) and their representation/submissions have been obtained. On conclusion of the enquiry proceedings and before passing any final order, the DA is required to consult CVC for its "Second Stage Advice" along with complete case records. CVC will examine the case records, including the Enquiry Report and tender its 'Second Stage Advice' which is required to be considered by the DA before passing final orders.

3. Other references

Advice of CVC is also required to be obtained when the Commission has referred a particular matter to the Company.

4. Documents required for first stage advice

- (i) All vigilance reports of the CVOs should conform to the parameters.
- (ii) They would be accompanied by an Assurance Memo.
- (iii) Bio-data of suspect officials, figuring in the investigation reports, should be enclosed.
- (iv) Tabular statements, as prescribed vide the Commission's circular dated 1.12.2008, shall continue and be kept objective and precise.
- (v) Draft charge-sheets and imputation of charge in respect of suspect officials where disciplinary action, such as major penalty or minor penalty proceedings, is proposed, would accompany the investigation reports.

(Please [Refer Appendix- 14](#))

5. Other Documents required to be sent for 1st stage advice:

- (i) A copy of the complaint/source information received and investigated by the CVOs.
- (ii) Statements of witness and copies of the documents seized by the Investigating officer;

- (iii) Comments of the Chief Vigilance Officer and the disciplinary authority on the investigation report{including investigation done by the CBI and their recommendation}
- (iv) A copy of the draft charge sheet against the SPS along with the list of documents and witnesses through which it is intended to prove the charges.

6. Other Documents required for second stage advice:

- (i) A copy of the charge sheet issued to the public servant;
- (ii) A copy of the inquiry report submitted by the inquiry authority {along with as pare copy for the Commission' records};
- (iii) The entire case records of the inquiry, viz copies of the depositions, daily order sheets, exhibits, written briefs of the Presenting Officer and the Charged Officer;
- (v) Comments of the CVO and the disciplinary authority on the assessment of evidence done by the inquiring authority and also on further course of action to be taken on the inquiry report.

7. Reconsideration of CVC advice:

Para 5.16, Chapter 1 of the Vigilance Manual of CVC Volume I provides for consultation with the Commission if the administrative authorities do not agree with the Commission's advice and propose to take either "lenient view" or a "stricter view" than recommended by it. Such references however may be made only once and that too with the prior approval of the authorities. As a rule, the Commission entertains only one request for reconsideration which is to be referred to the Commission within one month of receipt of first stage advice and two months receipt of CVC's second stage advice.

The Commission's advice is based on the inputs received from the organization and where the Commission has taken a view different from the one proposed by the organization, it is on account of the Commission's perception of the seriousness of the lapses or

Otherwise. In such cases, there is no scope for reconsideration. The Commission has, therefore, decided that no proposal for reconsideration of the Commission's advice would be entertained unless new additional facts have come to light which would have the effect of altering the seriousness of the allegations/charges leveled against an officer. Such new facts should be substantiated by adequate evidence and should also be explained as to why the evidence was not considered earlier, while approaching the Commission for its advice. The proposals for reconsideration of the advices, if warranted, should be submitted at the earliest but within two months of receipt of the Commission's advice. The proposals should be submitted by the disciplinary authority or it should clearly indicate that the proposal has the approval of the disciplinary authority.

5.2.6 Disciplinary proceedings.

(Refer the Kandla Port (Conduct) Regulation 1964 & Amendment 2004)

a. Nature of Penalties

The following penalties may, for good and sufficient reasons and, as hereinafter provided, be imposed on an employee namely:-

Minor Penalties

- (i) Censure;
- (ii) Withholding of his promotion;
- (iii) Recovery from his pay of the whole or part of any pecuniary loss caused by him to the Board by negligence or breach of orders;
- (iii)(a) reduction to a lower stage in the time scale of pay for a period not exceeding three years, without cumulative effect and not adversely affecting his pension;
- (iv) Withholding of increments of pay;

Major Penalties

- (v) Save as provided for in clause (iii) (a), reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the Board employee will earn increments of

Pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay.

- (vi) Reduction to lower time scale of pay, grade or post which shall ordinarily be a bar to the promotion of the Board employee to the time scale of pay, grade or post from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post from which the Board employee was reduced and his seniority and pay on such restoration to that grade or post;
- (vii) Compulsory retirement;
- (viii) Removal from service which shall not be a disqualification for future employment under the Board;
- (ix) Dismissal from services which shall ordinarily be a disqualification for future employment under the Board.

Provided that in every case in which the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in Clause (viii) or Clause (ix) shall be imposed; Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

- a. Procedure for imposing major/minor of Penalties-
(Refer Regulation No. 12 & 14 of Classification, Control & Appeal Amendment Regulation, 2004)
- b. Vetting of Charge sheet
The draft charge sheet prepared by the concerned Department/HOD will be vetted by the Vigilance in the case where the proposed action is initiated based on the vigilance investigation report.

b. Monitoring of disciplinary cases

1. Circular regarding Time Frame of Disciplinary cases –
(Refer DoPTs O.M NO: 425/04/2012-AVD-IV(A) dated 29.11.2012 received under Ministry's reference NO. C-30020/1/2012-Vig. dated. 03.01.2013 at [Appendix- 15](#))
2. Nodal officer to assist Disciplinary Authorities- In order to assist the Disciplinary Authorities, in framing the charge sheet, appointment of IOs/POs, processing the Enquiry Report and making reference to CVC for 1st Stage and 2nd Stage advice,
3. S.L.O, KPT has been nominated as Nodal Officer in respect of the Disciplinary cases
4. Monitoring as per circular no. KPC/4015-Gen(Circular)/2012/811 dated: 25.07.2012([Refer at Appendix- 16](#))
5. Appeal- Refer Regulation No. 20 to 29 of Classification, Control & Appeal Amendment Regulation, 2004.

c. **Action on the enquiry report**

- (1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of Regulation 12, as far as may be.
 - (1A) The disciplinary authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the disciplinary authority or where the disciplinary authority is not the inquiring authority a copy of the report of the inquiring authority to the Board servant who shall be required to submit, if he so desires, his written representation or submission to the disciplinary authority within fifteen days, irrespective of whether the report is favorable or not to the Board employee.

- (1B) The disciplinary authority shall consider the representation, if any, submitted by the Board employee before proceeding further in the manner specified in sub-regulation (2) to (4).
- (2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge if the evidence record is sufficient for the purpose.
- (3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in Clauses (i) to (iv) of Regulation 9 should be imposed on the Board employee, it shall, notwithstanding anything contained in Regulation 14, make an order imposing such penalty.
- (4) If the disciplinary authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in Clauses (v) to (ix) of Regulation 9 should be imposed on the Board employee, it shall make an order imposing such penalty and it shall not be necessary to give the Board employee any opportunity of making representation on the penalty proposed to be imposed.

5.2.7 Sanction for Prosecution

1. Sanction for Prosecution (under Section 19 of the PC Act):

CVC directive No.8 (1) (h)/98(3) dt 27th November 1998 provides as under;

- (i) In respect of CBI reports/cases in which the Commission's advice is not necessary, the competent authorities may exercise their mind and give or refuse sanction for prosecution under the PC Act, within the time limit of 30 days from the date of receipt of request from CBI; and

- (ii) In respect of the cases of Presidential appointees, in which the Commission's advice is required, the competent authorities may furnish their comments within 30 days to the Commission and give the sanction of prosecution or otherwise, within a period of 60 days from the date of receipt of request from CBI. If at the end of the above said time limits no decision had been given by the competent authorities, then the CVC will take an adverse view and deem it as a case of misconduct on the part of the competent authority.

2. Guidelines to be followed by the authorities competent to accord sanction for prosecution u/s. 19 of the PC Act 1989.

- i) Grant of sanction is an administrative act. The purpose is to protect the public servant from harassment by frivolous or vexatious prosecution and not to shield the corrupt. The question of giving opportunity to the public servant at that stage does not arise. The sanctioning authority has only to see whether the facts would prima-facie constitute the offence.
- ii) The competent authority cannot embark upon an inquiry to judge the truth of the allegations on the basis of representation which may be filed by the accused person before the Sanctioning Authority, by asking the I.O. to offer his comments or to further investigate the matter in the light of representation made by the accused person or by otherwise holding a parallel investigation/enquiry by calling for the record/report of his department.
- iii) When an offence alleged to have been committed under the P.C. Act has been investigated by the SPE, the report of the IO is invariably scrutinized by the DIG, IG and thereafter by DG (CBI). Then the matter is further scrutinized by the concerned Law Officers in CBI.
- iv) When the matter has been investigated by such a specialized agency and the report of the IO of such agency has been scrutinized so many times at such high levels, there will hardly be any case where the Government would find it difficult to disagree with the request for sanction.
- v) The accused person has the liberty to file representations when the matter is pending investigation. When the representations so made have already been considered and the comments of the IO are already before

the Competent Authority, there can be no need for any further comments of IO on any further representation.

- vi) A representation subsequent to the completion of investigation is not known to law, as the law is well established that the material to be considered by the Competent Authority is the material which was collected during investigation and was placed before the Competent Authority.
- vii) However, if in any case, the Sanctioning Authority after consideration of the entire material placed before it, entertains any doubt on any point the competent authority may specify the doubt with sufficient particulars and may request the Authority who has sought sanction to clear the doubt. But that would be only to clear the doubt in order that the authority may apply its mind proper, and not forth purpose of considering the representations of the accused which may be filed while the matter is pending sanction.
- viii) If the Sanctioning Authority seeks the comments of the IO while the matter is pending before it for sanction, it will almost be impossible for the Sanctioning Authority to adhere to the time limit allowed by the Supreme Court in Vineet Narain's case.

3. Difference of opinion between CBI and Administrative authorities

The Commission has decided that where there is difference of opinion between the Deptt. /organization and the CBI in cases where the latter have recommended prosecution under PC Act etc., the Commission would hold a joint meeting with the representatives of CBI and concerned Deptt./organization. In such a meeting the CVO of the Deptt. /organization should take a brief from the disciplinary authority in this regard. However, if the DA wishes to attend the joint meeting, the Commission has no objection to it.

5.3 Participative Vigilance.

5.3.1 Stakeholders Meet

As envisaged by CVC to ensure Participative Vigilance, stakeholders' Meet was organized to create awareness and participation between 29th July – 2nd August, 2013. The following Stakeholders were invited in groups for interaction session: (i) Vessel Agents (ii) Custom House Agents (iii) Stevedores (iv) Vendors/Others and (v) Other Stakeholders (License Holder).

A questionnaire ([Refer appendix-17.a, 17.b, 17.c](#)) was designed especially for this occasion catering to the specific requirement of each group and feedbacks received are being analyzed for further action.

Similar Stakeholder meets can be organized as per requirement with the approval of CVO.

5.3.2 Vigilance Communication Meeting (VCM)

Vigilance Communication Meetings can be organized as and when required with the approval of CVO and Chairman. In this meeting which will be chaired by Chairman, KPT, CVO, Dy. Chairman, all HODs, Nodal Officer and other key officials of Kandla Port Trust and Vigilance Officials will be present. The purpose of Vigilance Communication Meeting is to expedite the pending issues and knowledge and experience sharing. During the VCM, Dy. CVO will make a presentation covering the following aspects:-

1. Timely and specific response to Vigilance references.
2. Pending issues.
3. Economic measures - to be taken to curb avoidable expenditure
Accountability
4. Preparation of Manuals.
5. Extending assistance to CBI - Independent witness

6. Issues regarding Vigilance Clearance.
7. Recent circulars of CVC.
8. Circulars/System improvement suggestion of Vigilance – Action taken/pending implementation.
9. System improvement /suggestion by Vigilance.
10. Curtailing repeated levels in the process of financial proposal in Finance Department- Avoiding piecemeal queries.
11. Training Programmes conducted by Vigilance Department
12. Leveraging Technology.
13. Future plans.
14. Review of Pending Disciplinary Cases.

5.4 Transparency initiative.

5.4.1 Website uploading

- (i) All NITs are being uploaded by KPT in the website (kandlaport.gov.in).
- (ii) Tenders more than Rs. 5 lacs value are uploaded in the website of KPT for e-tender. The same are published simultaneously on the portal n-Procure, where the bidders can bid online. (www.nprocure.com)
- (iii) All tenders awarded are to be uploaded in the KPT's website on monthly basis.
- (iv) The above activities will be monitored by Jr. Engineer (Vig.) and input on the same will be provided for incorporation in the Monthly Report.

5.4.2 Complaint Lodging.

A provision has been made in the vigilance Portal of KPTs website for lodging complaints online

(<http://www.kandlaport.gov.in/frmComplain.php>). The complaints received in e-mode will be accessed by CVO or any other authorized officer on his behalf. These complaints will also be handled as per the complaint handling policy. (**[Refer Para 5.2.3 of this Manual](#)**)

5.4.3 E-payment details.

As per CVCs direction payment transactions both in value terms as well as in lieu of number of transactions shall be made through ECS/EFT mechanism instead of payments through Cheques. The organizations have to forward the details regarding the implementation of e-payment mechanism as per the format. (**[Refer Appendix- 18](#)**)

Jr. Engineer (Vig.) will obtain the necessary details from Finance and submit for incorporation in the Monthly Report to be sent to CVC.

5.5 Vigilance Clearance

(Refer Circular NO: KPC/4002-Vig/248-A dated. 19.03.2013)

1. Vigilance Clearance in respect of employees/officers of Kandla Port Trust need to be obtained from the Vigilance Department, KPT for the following purpose:-
 - (a) Forwarding of applications and interview for all outside employment (Regular/Deputation/contract/Assignment basis for fixed periods etc.)
 - (b) Extension of service/period of contract employment/tenure of deputation and re-employment after retirement.
 - (c) Promotion to higher scales.
 - (d) Confirmation of appointment/promotion.
 - (e) Compulsory retirement/Pre-mature retirement/Superannuation from service (Normal Retirement)/Voluntary Retirement/Resignation/Termination on Medical Grounds.
 - (f) Issuance of No Objection Certificate for issue of Passport/Visa/Travel Abroad.

- (g) Postings including transfers to and from sensitive areas/Departments as identified by KPT. Foreign Assignments including business trips abroad.
 - (h) Training abroad including Seminars/Conferences abroad.
 - (i) Awards including National and International Awards.
2. Vigilance Clearance has to be sought only in the following format prescribed as applicable.
- (i) Format I - For (a) to (j) except (f) mentioned above
[\[Refer Appendix-21 \(a\)\]](#)
 - (ii) Format II - For (f) above
[\[Refer Appendix-21 \(b\)\]](#)
 - (iii) Format III - For higher level posts or any other purpose for which vigilance profile is sought by CVC/MoS/Other organizations
[\[Refer appendix-21 \(c\)\]](#)
3. The validity of vigilance clearance will be for a period of one month. Beyond this period, the same has to be revalidated from the Vigilance Department.
4. In the case of superannuation, vigilance clearance has to be sought only during the last week of the month of superannuation.
5. Vigilance clearance will not be accorded in the following cases.
- (i) Charge sheet issued
 - (ii) Pending prosecution.
 - (iii) Under Suspension.
 - (iv) Under currency of penalty.
 - (v) Non-submission of Annual Property Returns in time.
 - (vi) Serious issues under investigation questioning the integrity.

Chapter 6

Procedure for Vigilance Function and Activities.

6.1 Receipt & Registry of Dak (Posts)

6.1.1 Inter Department:

- (i) Notes for Vigilance Clearance
 - The requisition of Vigilance Clearance received from different departments are to be entered in the Inward Register (General) date wise with affixing inward number and date and marked by the Dy. CVO to the concerned VIs for further submission and issuance of the Vigilance Clearance.
- (ii) Notes on Administrative issues
 - Any general notes received from various departments of general nature are registered in the Inward Register (General) date wise with affixing inward number and date and marked by the Dy. CVO to the Jr. Clerk/Sr. Clerk in General Section for submission in the concerned file for necessary action along with relevant references pertaining to Vigilance Department.

6.1.2 Complaints:

- (i) Directly from individual complainant (s)/any Government/non-Government, Miscellaneous Agencies
 - The complaints received directly are to be entered in the Inward Register (General) ([Refer Appendix-19](#)) and to be marked to Jr. Clerk/Sr. Clerk. The concerned will submit the said complaint(s) with Check List ([Refer Appendix-20](#)) to VO—Dy. CVO—CVO. The V.O and Dy. CVO will examine the complaint to ascertain nature of complaint, existence of vigilance angle/administrative angle and see about having verifiable allegations in such complaints. Accordingly, as per the examination of the complaint at

- The level of V.O and Dy. CVO, the further course of action i.e. (a) either to simply file the complaint (b) preliminary enquiry will be decided by the CVO.
- (ii) Forwarded by CBI
 - The complaints received directly are to be entered in the Inward Register (CBI) ([Refer Appendix-19](#)) and to be marked to Jr. Clerk/Sr. Clerk. The concerned will submit the said complaint(s) with Check List ([Refer Appendix-20](#)) to VO—Dy. CVO—CVO. The V.O and Dy. CVO will examine the complaint to ascertain nature of complaint, existence of vigilance angle/administrative angle and see about having verifiable allegations in such complaints. Accordingly, as per the examination of the complaint at the level of V.O and Dy. CVO, the further course of action i.e. (a) either to simply file the complaint (b) preliminary enquiry will be decided by the CVO.
- (iii) Forwarded by CVC/CTE
 - The complaints received directly are to be entered in the Inward Register (CVC/CBI) ([Refer Appendix-19](#)) and to be marked to Jr. Clerk/Sr. Clerk. The concerned will submit the said complaint(s) with Check List ([Refer Appendix-20](#)) to VO—Dy. CVO—CVO. The V.O and Dy. CVO will examine the complaint to ascertain nature of complaint, existence of vigilance angle/administrative angle and see about having verifiable allegations in such complaints. Accordingly, as per the examination of the complaint at the level of V.O and Dy. CVO, the further course of action i.e. (a) either to simply file the complaint (b) preliminary enquiry will be decided by the CVO.
 - Complaints received from CVC through VigEYE Portal for necessary action will be downloaded by PA to CVO/Dy. CVO in the same manner in which physical complaints are received from CVC.
- (iv) Forwarded by Ministry
 - The complaints received directly are to be entered in the Inward Register (MOS) ([Refer Appendix-19](#)) and to be marked to Jr. Clerk/Sr. Clerk. The concerned will submit the said complaint(s) with Check List ([Refer Appendix-20](#)) to VO—Dy. CVO—CVO. The V.O and Dy. CVO will examine

- The complaint to ascertain nature of complaint, existence of vigilance angle/administrative angle and see about having verifiable allegations in such complaints. Accordingly, as per the examination of the complaint at the level of V.O and Dy. CVO, the further course of action i.e. (a) either to simply file the complaint (b) preliminary enquiry will be decided by the CVO.
- (v) Referred by Chairman.
- The complaints received directly are to be entered in the Inward Register (General Complaints) ([Refer Appendix- 19](#)) and to be marked to Jr. Clerk/Sr. Clerk. The concerned will submit the said complaint(s) with Check List ([Refer Appendix-20](#)) to VO—Dy. CVO—CVO. The V.O and Dy. CVO will examine the complaint to ascertain nature of complaint, existence of vigilance angle/administrative angle and see about having verifiable allegations in such complaints. Accordingly, as per the examination of the complaint at the level of V.O and Dy. CVO, the further course of action i.e. (a) either to simply file the complaint (b) preliminary enquiry will be decided by the CVO.
- Complaints by any other officials of Kandla Port Trust in the official capacity have to be first studied by the respective HOD and if required, only with the approval of Chairman, such complaints are to be sent to CVO for enquiry. (Refer Circular NO: KPC/4015-Vig/(Preventive)/576 dated. 08.05.2013)

Note: *All the above receipts entered into the respective registers are to be affixed with the stamp entering the inward number and date of the respective register.*

6.1.3 Report on CBI Cases(s) & correspondence thereof

- The Reports in the event of P.E. Case/ R.C Case and subsequently filing of FIR/Charge Sheet file by CBI are to be entered/Inward in the "Register for CBI Cases" ([Refer Appendix-19](#)). The references/correspondence received in such cases is to be marked and dealt by the concerned Vigilance Inspectors for required necessary compliances with CBI and Ministry/CVC etc.

6.1.4 CVC/CTE General correspondence including Para wise Observation of work Inspected by CTE

- The references related to the complaints forwarded by the CVC/CTE including the references related to the Intensive Examination undertaken by the CTE are to be marked to Vis and J.E (Vigilance) for appropriate and necessary compliance in the ongoing cases till, its logical conclusion and closure of the case.

6.1.5 Notes/Direction/Instruction from Chairman.

- The directions/Instructions received from the Office of the Chairman to CVO are to be entered in the Inward Register (General) and to be marked by the Dy. CVO to the Jr. Clerk/Sr. Clerk of the Section. The Jr. Clerk/Sr. Clerk will submit the same to V.O—Dy. CVO-CVO for necessary action and orders.

6.2 Submission of Preliminary Enquiry Report

6.2.1 The complaints submitted by the Jr. Clerk/Sr. Clerk of the Section which are considered for carrying out the Preliminary Enquiry by the CVO, such complaints are marked to any of the Vigilance Inspector/Jr. Engineer (Vig.) by the CVO/Dy. CVO.

6.2.2 The General Section will keep a track by mentioning the name of the concerned Vigilance Inspector/Jr. Engineer (Vig.) against the Inward Entry in the respective Inward Register and hand over the case file to the respective Vigilance Inspector/Jr. Engineer (Vig.) for carrying out the preliminary enquiry in the matter.

6.2.3 On receipt of case file by the Vigilance Inspector/Jr. Engineer, the allegations contained in the complaints may be scrutinized and the Vigilance Inspector/Jr. Engineer (Vigilance) should collect the possible documentary evidence and provisions on which prima facie the allegations are found established or either side and submit the P.E Report in the prescribed format ([Refer appendix-12](#)) along with the factual observations to VO-- Dy. CVO--CVO for further decision in the matter.

- 6.2.4 The Vigilance Officer and the Dy. CVO will examine such P.E Reports and assist the CVO to arrive at a decision either to file and close the complaint/case or to register as a vigilance case for detailed Vigilance Investigation /Inquiry.
- 6.2.5 The CVO will then decide about the closure of case or order for Vigilance Investigation by assigning the case to any of the Vigilance Inspectors/Vigilance Officers/Dy. CVO as the case may be.

6.3 Submission of Detailed Vigilance Investigation Report

- 6.3.1 The concerned Investigating Officer will carry out the detailed vigilance investigation/inquiry in the prescribed format ([Refer Appendix-13](#)). One of the Vigilance Inspector/Jr. Engineer (Vigilance) will be associated to the respective I.O to facilitate the required Vigilance Investigation. The concerned I.O has to complete the investigation process within 90 days from the order of the CVO, and submit the Investigation Report to the CVO through V.O and Dy. CVO for further action/views of the competent authority.
- 6.3.2 The Dy. CVO and CVO will decide further course of submission to the Chairman to obtain the views and orders in the respective Vigilance Investigation Report.
- 6.3.3 On receipt of the case file from the Chairman with views and orders if any, the Dy. CVO (with the assistance of Vigilance Officer and Vigilance Inspector) will process the case for seeking 1st Stage Advice of CVC, New Delhi with copy to Joint Secretary & CVO, Ministry of Shipping, and New Delhi.
- 6.3.4 After getting the 1st Stage Advice from the CVC in the case, the same will be further forwarded to the concerned Disciplinary Authority for initiating the proceedings and issuance of the Charge sheet to the Errant Officials as per the 1st Stage Advice of the CVC. Accordingly, the concerned Disciplinary Authority will initiate the Departmental Proceedings by issuing the Charge sheet, appointing Enquiry Officer and Presenting Officer under prescribed orders with copy to CVO.

6.3.5 The next stage of monitoring of such Disciplinary Proceedings will be as per point no. [5.2.5 \(B\)](#) of this Manual.

6.4 Dealing with Vigilance Clearance

(Circular NO: KPC/4002-Vig/248-A dated. 19.03.2013)

6.4.1 As per the settled norms of CVC, New Delhi, all the Departments have to obtain a Vigilance Clearance for the purposes identified in the organization for all the Board Officials. All the departments are required to follow the procedure and the formats for seeking Vigilance Clearance in respect of various categories of employees and for various purposes as mentioned under Circular NO: KPC/4002-Vig/248-A dated. 19.03.2013. [\(Refer Appendix-21, 21\(a\), 21\(b\) & 21\(c\)\)](#)

6.4.2 All such requisition for Vigilance Clearance received from different departments is entered in the Inward Register (General). Subsequently, such requisitions are marked to concern Vigilance Inspectors by Dy. CVO at the Dak Stage.

6.4.3 On receipt of such requisition the Vigilance Inspectors will verify with the record about pending disciplinary action and or any action contemplated against the respective officers/employees and submit in a separate note for issuance of vigilance clearance and or with holding the vigilance clearance as the case may be through V.O and Dy. CVO to CVO for taking decision regarding issuance/withholding the vigilance clearance as per record.

6.4.4 For Administrative convenience, CVO has delegated his Powers to Dy. CVO in the case of Vigilance Clearance in respect of Class III and IV, which after approval will be issued under the signature of Vigilance Officer.

6.4.5 After deciding the respective of vigilance clearance by the CVO, the concerned Vigilance Inspector will arrange to dispatch as per requirement to all concerned.

6.4.6 The dispatcher will then enter all vigilance clearance in the Outward Register for Vigilance Clearance([Refer Appendix- 22](#)) with proper date and outward numbers etc. and also make an entry into the 'dak diary' to deliver to the concerned department through the Messenger. The Messenger has to obtain the signature of the recipient of the concerned department in the dak diary as a token of receipt of the dak.

6.5 Inspections

6.5.1 Routine Inspections

The Vigilance Department will carry out the job of Inspection as mentioned in the Chapter [5.1.1\(a\)](#) of this Manual.

- i) Monthly target of 8 Inspections for carrying out the surprise check/inspection in the various department/operational areas/work sites etc. will be decided by the CVO and assigned to all Vigilance Inspectors, Vigilance Officer and Dy. CVO as the case may be.
- ii) The inspection to be carried out as per the instruction of the CVO should be a joint inspection which will be done along with the officials nominated by each department.
- iii) The official will follow the inspections/directions of the CVO/Dy. CVO while carrying out such inspection at respective places.
- iv) To complete the inspection, the concerned team will collect the photo copy of the relevant documents and in case found essential, collect the original documents depending upon the gravity of the detected/lapse/irregularity. In that case, proper acknowledgement/receipt against the original records/documents is given to the concerned Authorized Official. After completing the inspection, the original record/documents, if collected should be placed with the record keeper with due particulars in brief about the said inspection.
- v) Finally, Inspection team will submit the Inspection Report in the prescribed format ([Refer Appendix-23](#)) to the CVO for further action/views through VO/Dy. CVO.

- vi) The further action as decided by the CVO in the respective inspection report, observations etc. be communicated under U.O Note by Dy. CVO to the concerned Head of Department.
- vii) The respective Inspection Report will be entered by Vigilance Section for entering into the 'Register for Inspection Reports'(Refer [Appendix -24](#)) of the Department for making up follow up action and reminder if necessary.

6.5.2 CTE Inspections

The following will be the sequence of action for carrying out CTE Type Inspection.

- A work from Civil, Mechanical, Electrical and other department will be selected by CVO from the Quarterly Progress Report.
- After selection of such work, Jr. Engineer (Vig.) will call for the primary details in the prescribed format (Refer [Appendix -25\(a\)](#)) along with other file /records.
- Jr. Engineer (Vigilance) will scrutinize the work stage wise and submit his observations to the CVO through V.O/Dy. CVO to call for Para wise clarifications from the concerned HOD. (Refer [Appendix -25\(b\)](#))
- Concerned HOD has to examine the Para wise observations of the Vigilance and submit his clarification/reply to CVO within 10 days.
- The clarification/reply received from the department will be examined by J.E/V.O/Dy. CVO and point out the lacuna and lapses and submit the level of officials who are responsible for the lapses to the CVO for orders.
- The clarification/explanation along with the lapses/irregularities pointed out by Vigilance is to be placed before the disciplinary authority for initiating the disciplinary proceedings against the erring officials.
- After receipt of the views and the decision of the disciplinary authority, the case will be sent to CVC for its first stage advice. (Refer [Para 5.2.4 of this Manual](#))

6.6 RTI Matters

In pursuance of Section 5(1) of the Right to Information Act, 2005, KPT has appointed Central Public Information Officers to discharge duties and

responsibilities of CPIO in respective Departments of KPT. Dy. Chief Vigilance Officer, KPT has been thus designated as CPIO in respect of all matters of Vigilance Department vide Office Order No.GA/GN/2245/214 dated 15.04.2013.

In Vigilance Department, PA to CVO has been entrusted the job of assisting the CPIO in collecting the information and supplying the same to the applicant as per the standard norms of Right to Information Act, 2005.

The CPIO has to submit the Quarterly Returns promptly to the Nodal Officer / GAD at the end of each quarter. ([Refer Appendix- 26](#))

6.7 Agreed List

Agreed List has to be finalized as discussed in Para [5.1.4](#) of this manual. For this purpose, Dy. CVO will assist the CVO to co-ordinate with the S.P, CBI, and Gandhinagar every year to prepare the list of Agreed List and Officer of Doubtful Integrity.

6.8 Routine & General Administration of Vigilance Department

1. The references and notes on the miscellaneous and general natures received from other departments are marked to the Jr. Clerk/Sr. Clerk who will submit in the respective department wise file. Such files should be closed yearly and to be started a fresh file every 1st January of respective year. The inter department communication/correspondence through and fro will be dealt in the respective department wise General File Folder.
2. The communication/correspondence with other miscellaneous agencies/parties will be dealt in a separate file folder—“**Miscellaneous Correspondence with other Agencies/Parties**” by the General Section of Vigilance Department. Such files should be closed yearly and to be started a fresh file every 1st January of respective year.
3. Preparation and arrangement of Vigilance Awareness Week.
4. Leave record as per the C.L Report ([Refer Appendix-27](#)).

5. Processing of various bill related to communication equipment.
6. Indenting office stationary from the Stores Division.
7. Petty Purchases.
8. The other routine and general matter/issues will be dealt by the General Section as per instruction of Dy. CVO and CVO.

6.9 Filing System

6.9.1 File Numbering/Indexing

The file numbers in Vigilance Department will be allotted subject wise. The subject has been classified and standardized based on main groups and sub-groups. The file number pattern will be as per standardized format ([Refer Appendix-28](#)). As and when a new file is created with a new number as per the classification, the same has to be entered in the file register. Once a file on a particular subject is opened, all correspondences should be dealt in the main file. No part file should be created. Even if a part file is required to be opened in exceptional circumstances the same has to be merged with the main file at the earliest.

6.9.2 Filing

All pages, both in correspondence and noting side have to be properly page numbered. Filing of papers should always be in the chronological order of events. Duplicate copies/photocopies and drafts should not be made part of the file.

6.9.3 Closing of files

Once a file is opened it will be closed at the end of the calendar year normally. However, the file cases pertaining to the complaint/investigation which continues beyond the calendar year will continue to be in same file till it comes to the logical end.

6.10 Outward Movement of Papers/files

- The outgoing dak, correspondence and communications to all departments and outside agencies like CBI, CVC, and Ministry etc. will be entered in a chronological order/number on day to day basis in the prescribed Outward Register ([Refer Appendix-29](#))
- After putting outward number and date, the dispatcher will once check the name and addressee and also check the copies are duly signed by the concerned officer of the department. The dispatcher will also ensure the mode of dispatch and complete all the formalities as per the postal norms. If any correspondence/communication will require to be dispatch through courier or special courier, the necessary task will be completed by the dispatcher and in case of courier mode the POD/Receipt of booking will be preserved and in the concerned file along with the office copy.
- The dispatcher will then after completing the job of outward of respective case file, the same will be returned to the concerned dealing hand.

Note: The delivery of the envelopes/notes once outward will be delivered by the dispatcher as per the prevailing common practice/procedure existing at the particular time in the organization.

Chapter 7

Structured Meetings:

7.1 Review meeting by CVO

As envisaged by CVC, all the pending matters such as investigation reports/disciplinary case and other vigilance complaints/cases will be reviewed every month by the CVO to expedite all the necessary actions on such pending matters/cases. Dy. CVO will provide the input for such meetings.

7.2 Review meeting by Chairman

As per CVC's instructions a structured meeting has to be held by Chairman with CVO and the minutes of the same has to be sent to CVC along with the Monthly Report. It has been decided by Chairman to hold such Structured Meeting on monthly basis. The Vigilance work and all the pending cases will be reviewed during such meetings. The date and time of every meeting with Chairman will be decided in consultation with the Office of Chairman.

7.3 Review meeting by Board of Trustees

As per the direction issued by the Joint Secretary & CVO, Ministry of shipping, vide letter NO: C-30019/22/2003- Vig dated. 22.04.2004, the Board of Port Trust should review progress of Vigilance Work once in six month as per Para 32.3 ([Refer Appendix-30](#)) and thereafter a report and extract of the minutes of the Board Meeting will be forwarded to Joint Secretary& CVO New Delhi for reference and record.

7.4 Review meeting by CVC

The department has to prepare the status report every year on the agenda circulated by CVC for Annual Zonal Review Meeting (AZRM) every year. An action point in the minutes has to be followed up with the management.

7.5 Review meeting with EO/PO (Monitoring of Disciplinary cases)

Based on the inputs received from all the departments, like copy of the charge sheet, copies of orders for appointment of Enquiry Officer and Presenting Officer etc. a summary of ongoing Disciplinary cases will be prepared by concerned Vigilance Inspector every month and put up to CVO through P.A to CVO to decide the schedule of review meeting with all Enquiry Officer and Presenting Officer for monitoring of pending Disciplinary Cases.

The P.A to CVO will co-ordinate with all concerned and arrange to issue necessary circulars/intimations to all where ever required along with preparation and finalization of agendas/particulars in consultation with V.O and Dy. CVO and as approved by the CVO. The P.A to CVO will maintain a separate file to deal and process regarding above mentioned structured meetings.

Chapter - 8

Reports and Returns.

8.1 CENTRAL VIGILANCE COMMISSION, NEW DELHI

1. Monthly Report - Report on the status of complaints, investigations etc. ([Refer Appendix- 31](#)) to be submitted by the 5th day of the following month.
2. Quarterly Report - All the work in progress of Medical , C.E, CME, Stores, Marine as per the prescribed monitory limit and in the prescribed format ([Refer Appendix- 32](#)) to be submitted by 15th day of the following quarter.
3. Annual Report -
 1. Report on the status of complaints, investigations etc. ([Refer Appendix-33](#)) to be submitted by 31st January of the succeeding year.
 2. Report on the list of employees who had undertaken "Private foreign visits" during the preceding calendar year ([Refer Appendix- 33\(a\)](#)) to be submitted by the end of January every year. (A communication has to be sent to CVC as indicated in CVC's circular NO: 16/07/09 dated. 06.07.2009)

8.2 MINISTRY OF SHIPPING, NEW DELHI

1. Monthly Report - Details of suspension, major/minor penalty Proceeding cases ([Refer Appendix-34](#))
2. Quarterly Report - Monitoring the pendency in cases forwarded by The CBI for granting sanction for prosecution. ([Refer Appendix- 35](#))
3. Six Monthly Report - Information regarding the officers due to retire during next six months ([Refer Appendix-36](#))

4. Four Monthly Return - Filling up/Tenure of posts of Chief Vigilance Officer. [\(Refer Appendix-37\)](#)
5. Annual Action Plan - Annual Action Plan on vigilance and Anti-Corruption measures(Quarterly). [\(Refer Appendix-38\)](#)

8.3 INTER DEPARTMENT REPORTS

1. Monthly Report - Letter received from Chairman's Desk enclosing therewith a copy of Ministry's letter NO: CD-11011/1/2013-Coord dated. 12.04.2013 to provide information on 14 points. Point No. 14 pertains to Vigilance Department. Monthly Report on point no. 14 to be sent to F.A & C.A.O. [\(Refer Appendix-39\)](#)
2. RTI Quarterly Report - CPIO of Vigilance Department has to furnish a Quarterly Report to CPIO, GAD. (Refer para6.6 of this Manual)

The above Reports and Returns have to be prepared by Section/Vigilance Inspectors/Vigilance Officer based on the information from the records from registers and files and submits the same to the Dy. CVO & CVO for approval.

Chapter - 9

Liaison with Other Agencies.

Vigilance Department during performing its function will be required to liaise and extend corporation with various other agencies of Government of India. A Brief detail is given:

1. CVC

Necessary assistance has to be provided to the visiting CVC Officials for the purpose specified by them which includes the Intensive Examination or Inspection carried out by the Chief Technical Examiners of CVC.

2. CBI

Necessary assistance and cooperation has to be extended to CBI as stipulated IN Chapter V OF CVC Vigilance Manual.

3. Ministry of Shipping

Necessary assistance and cooperation has to be provided to Vigilance Official of Ministry of Shipping as and when required.

4. Audit (CAG)

The functioning of Vigilance and Audit or Independent. As far as the sharing of information with Audit is concerned as per the CVC's clarification ([Refer Appendix-40](#)) "Information in the form of statistical data like number of complaints received, investigation carried out, outcome etc. can be provided to Audit. Information of confidential nature like details of ongoing investigation, copy of Agreed Lists/ODI Lists may not be provided to Audit".

Chapter - 10

Records and Registers

The record means –All the case files, various registers, documents generated by Vigilance Department and case files received from the various departments related to the vigilance inquiry/vigilance case and miscellaneous documents.

Chapter - 11

List of Appendixes

<u>Appendix</u>	<u>Particulars</u>	<u>Reference of Para of the Manual</u>
Appendix -1	Office Order NO: GA/PS/7887/Vig/337 dated: 20.06.2011	3.2
Appendix -2	Gazette Notification No. 1109 published on 13, September 2007 in the Gazette of India	4.5
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Appendix - 5	Power Point Presentation of Three Modules Module 1 : Vigilance Administration. Module 2 : Annual Property Returns. Module 3 : Tenders and Contract Management	5.1.2
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Appendix - 7	Standard format for System Study Report	5.1.3
Appendix - 8	Brochure released during Vigilance Sensitization Lecture Series.	5.1.5
Appendix - 9	KPC/4027-Vig./132 dated. 01.03.2014 (Sensitive Posts in KPT)	5.1.6
Appendix - 10	CVC's Office Order No. 23/04/04 dated. 13.04.2004 (Definition of Vigilance Angle)	5.2.1
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Appendix - 12	Format of Preliminary Enquiry Report	5.2.3 (a)
Appendix - 13	Format of Detail Investigation Report	5.2.3 (b)
Appendix - 14	Format for CVCs 1st Stage Advice (CVCs Letter NO: 006/PRC/1 (Circular No. 21/8/09 dated. 06.08.2009)	5.2.4 (4)
Appendix - 15	DoPTs O.M NO: 425/04/2012-AVD-IV (A) dated 29.11.2012 received under Ministry's reference NO. C-30020/1/2012-	5.2.5 (b) (1)

	Vig. Dated. 03.01.2013	
Appendix – 16	KPC/4015-Gen(Circular)/2012/811 dated: 25.07.2012 (Regarding Monitoring of Departmental Proceedings)	5.2.5 (b) (3)
Appendix – 17.a , 17.b ,17.c	Questionnaire for Stakeholders Meet	5.3.1
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Appendix – 40	CVC's letter NO: 013/MSC/039/233241 dated. 06.12.2013	9.4

KANDLA PORT TRUST

Chapter - 12

Important Links

1. www.kandlaport.org/vigilancecorner.php
2. cvc.nic.in
3. shipping.gov.in
4. cbi.nic.in
5. <http://cic.gov.in/>
6. <http://goidirectory.nic.in/index.php>
7. <http://india.gov.in/>
